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SIPDIS, SENSITIVE

STATE PASS USTR FOR TANUJA GARDE AND DAWN SHACKLEFORD

E.O. 12958: N/A
TAGS: [ECON](#) [ETRD](#) [EUN](#) [KIPR](#) [AU](#)
SUBJECT: GEOGRAPHICAL INDICATIONS: AUSTRIA INSISTING ON
LEGALLY BINDING REGISTER

REF: STATE 104985

¶1. (SBU) Emboffs discussed reftel with Gabriela Habermayer, Head of the Department of Multilateral Trade at the Economics Ministry, and Ingrid Frasl, Legal Advisor on WTO issues. Habermayer said the GOA fully supports the EC's proposal to create a mandatory Geographical Indications (GI) register with a direct legal effect on other Members. She rejected as inadequate the idea of a voluntary register with domestic law enforcement and added that, although the GOA did not feel strongly on the GI issue, she did not foresee room for negotiations which would compromise the EC's GI proposal.

¶2. (U) Frasl contended that a mandatory register is particularly important for small firms and farmers, as they lack the financial resources of large firms to defend their interests and needed the legal force under a TRIPS agreement. Almost all Austrian GI products are produced by small- and medium-sized firms (Note: 14 Austrian products are on the EC's GI list).

¶3. (SBU) Habermayer admitted that twinning GIs with the patent disclosure rules issue was indeed a ploy to attract Brazil and India to support the EU's GI interests. Although she agreed that European companies probably shared the U.S. objections to patent disclosure, in this case GI interests outweighed these considerations.

¶4. (SBU) While discussing the implications of the GI dispute for Doha, Habermayer asserted that the U.S should come up with concrete proposals on the modalities of the Doha Development Agenda, and present a "final package" of the USG's desired objectives. She believed that the GI issue should not stand in the way to that. On a related issue, Habermayer also asked for more information on the U.S. position in the negotiations on the proposed Anti-Counterfeiting Trade Agreement (ACTA).

¶5. (U) Post also conveyed reftel talking points to the Ministry of Agriculture. However, our contact stated that the Ministry "cannot provide a statement because the issue is currently a matter of an EU-internal decision process."

¶6. (SBU) Comment: Though Austria's GI stake is rather small, the Austrians may see future advantages for themselves in supporting the EC position. End comment.

HOH